

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LISA RAWSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:11CV370 FRB
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This cause is before the Court, sua sponte, upon review of the file. All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

Plaintiffs originally filed this personal injury/medical malpractice action in the Circuit Court of St. Francois County, Missouri, on December 3, 2010, naming, inter alia, Marianne Klemm, D.O., and Great Mines Health Center (Great Mines) as defendants. Defendants Klemm and Great Mines removed the action to this Court on February 25, 2011, invoking the jurisdiction of this Court under 28 U.S.C. §§ 1442(a) and 2679(d)(2), inasmuch as the action against them constituted an action against a federal agency and/or employee thereof, given defendant Great Mines' status as a federally supported health center and defendant Klemm's status as a United States Public Health Service employee at the time of the occurrence alleged herein. The United States of America was subsequently substituted for defendants Klemm and Great Mines as proper party defendant.

A conference pursuant to Fed. R. Civ. P. 16 was held on August 3, 2011, at which counsel for all parties appeared. A Case Management Order was entered that same date setting forth schedules and deadlines governing the proceedings this cause.

A review of the file shows that, despite entering its appearance and having participated at the Rule 16 conference, defendant United States of America has not yet answered plaintiffs' petition or otherwise filed a responsive pleading in the cause. Nor does a review of the file show an answer or responsive pleading to have been previously filed by Klemm and/or Great Mines prior to their substitution. "When a party against whom a judgment for affirmative relief is sought and has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a).

In light of the status of the proceedings in this cause,

**IT IS HEREBY ORDERED** that defendant United States of America shall have to and including **October 14, 2011**, by which to show cause why plaintiffs should not seek default against it for failure to plead or otherwise defend the claims raised against it in this cause.



---

UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of October, 2011.